IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 1293/2002

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

PETITIONER : Manglu Ram Dewangan, aged 50 years
S/o. Late B.R. Dewangan,
R/o. Kududand Ward, Tahsil &
District Bilaspur (C.G.)

P. R. No. 2038/02
Presented by Shri B.K. Dembare
dated 20/8/02

VERSUS

RESPONDENTS : 1. The State of Chhattisgarh
Through The Collector, Bilaspur
Distt. Bilaspur (C.G.)

2. Surendra Singh, aged 48 years
S/o. Raghuraj Singh, Executive
Engineer, Irrigation Department.
Bhopal (M.P.)

3. Radha Bai aged 38 years,
Wd/o. of Chhabinath Rao, Ware
House Road, Jarhabhata, Tahsil &
District Bilaspur (C.G.)

---PETITIONER

(36)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 122 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.04.2003 Shri B.L. Dembra, counsel for the Petitioner. State by Shri Ranbir Singh, Govt. Advocate. Heard. This petition is against the order dated 26.6.2002 passed by the learned trial Court in Civil Suit No.3-A/2001 where the objection regarding Commissioner/Tahsildar report has been rejected. The plaintiff filed suit for declaration, possession and injunction against the respondents. He is in possession of the suit land and constructed a *hut* and *badi*. The petitioner filed an application under Order 26 Rule 9 of C.P.C. before the trial Court, which was allowed directing the Tahsildar to demarcate the suit land with survey marks in presence of the parties. The Commissioner/Tahsildar submitted his report. Petitioner raised objection regarding the said report and the P.T.O	

[पीछे देखिये

XI-HC-22

(37)

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trial Court has rejected the said objection of the petitioner. The suit is yet to be decided.

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court there is infirmity in the impugned order warranting interference by this Court in exercise of its writ jurisdiction.

Petitioner, if so advised, may raise the grounds in appeal in case any such eventuality arises.

With the direction/observation aforesaid, this petition is disposed of.

Accordingly, M.W.P.126/03 and I.A.483/03 stand disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

[पीछे देखिये